THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1644 of 2005

12-09-2005

Between:

Jawaharlal Nehru Technological University, Kukatpally,

Hyderabad, rep. by its Registrar.

.....APPELLANT

AND

The Municipal Corporation of Hyderabad, rep. by its Commissioner & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1644 OF 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

Controversy is whether the appellant-University has to be subjected to tax or not under the Hyderabad Municipal Corporation Act, 1955 (hereinafter referred to as 'the Act'). It is stated at Bar by the learned counsel for the respondents that the appellant-University has to pay an amount of Rupees Sixty Lakhs by way of tax. They have been paying tax from 1968 and only this year they contended that they could not be subjected to pay the tax. In any case, there are some questions, which need to be answered by this Court.

The appellant-University relies on a Government Order being G.O.Ms.No. 468-M.A., dated 31-7-1993, which, according to them, exempts the University from payment of tax, whereas the counsel for respondents submits that this Government Order is contrary to the provisions of the Act. These questions need to be answered and the learned single Judge has already admitted the writ petition and directed payment of Rupees Ten Lakhs and granted stay on payment of Rupees Ten Lakhs.

We do not find any ground to interfere in the order passed by the learned single Judge. Appeal is accordingly dismissed. However, in the interest of justice, we grant two weeks further time for the appellant-University to deposit the amount. No order as to costs.

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(BILAL NAZKI, ACJ)

12th September 2005.

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(R.SUBHASH REDDY, J)

ajr